

specified, no change had occurred in ownership. All that was done with the land was in exercise of ownership, consisting of the withdrawal of offers for its acquisition by the public and setting of the same aside for certain uses or purposes of the government. The United States did not acquire anything it did not already own." ¹⁴

50. Lands under navigable waters. Jurisdiction over, does not result from acquisition of adjacent upland.—The grant by a State to the United States of jurisdiction over uplands owned by the United States does not of itself vest the United States with such jurisdiction over the adjacent lands under navigable waters. The *Dravo* case¹⁵ involved the application of a tax imposed by the State of Washington upon the gross receipts of a Government contractor engaged in the construction of locks and dams in the Kanawaha River and of locks in the Ohio River, both navigable streams. The Court held that although the tax was not applicable with respect to the contractor's operations within the lands on the banks of the rivers, title to which had been acquired by the United States, it was enforceable with respect to the company's operations on lands forming the beds of the rivers. The Court said, "there does not appear to have been any acquisition by the United States of title to those lands, unless, as respondent urges, the occupation of the beds for the purpose of the improvements constituted an acquisition of title. But, as the occupation was simply the exercise of the dominant right of the federal government * * * the servient title continued as before."

The United States Circuit Court of Appeals, Second Circuit,¹⁶ held that a New Jersey statute ceding to the United States jurisdiction over all that portion of Sandy Hook owned by the United States, lying north of a specified line and bounded on all other sides by the sea and Sandy Hook Bay, did not vest the United States with exclusive jurisdiction beyond the land it owned above the low water mark, and that the adjacent waters of the bay remained subject to the State's jurisdiction. And in commenting upon the same statute, the Supreme Court of the United States later observed that it "did not purport to transfer jurisdiction over the littoral waters beyond the low water mark." ¹⁷

¹⁴ *Six Companies v. De Vinney*, 2 Fed. Sup. 693, 697; *Surplus Trading Co. v. Cook*, 281 U. S. 647, 50 S. Ct. 455; 74 L. Ed. 1091.

¹⁵ *James v. Dravo Contracting Co.*, 302 U. S. 134, 140.

¹⁶ *Middleton v. La Compagnie Generale Transatlantique*, 100 Fed. 866.

¹⁷ *Hamburg American Steamship Co. v. Grube*, 196 U. S. 407, 415.